

PLANNING COMMISSION REPORT



MEETING DATE: April 27, 2005

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Zipps @ Centennial Marketplace - 4-UP-2005**

REQUEST Request a conditional use permit for sales of alcoholic beverages at a proposed restaurant in a future shopping center located at 14148 N 100th Street with Planned Community Development District, Planned Neighborhood Center (PCD PNC) zoning.

Key Items for Consideration:

- This site is planned for a neighborhood commercial center.
- This would allow liquor sales in conjunction with a proposed restaurant.
- There are no nuisances anticipated.
- There are no significant impacts anticipated to traffic, police, fire, or other services.

Related Policies, References:

4-GP-2003, 61-ZN-1982#2, 24-UP-2003, 67-DR-2004

OWNER Goldman Management Inc.
480-344-1055

APPLICANT CONTACT Todd Goldman
Goldman Management Inc.
480-344-1055

LOCATION 14148 N 100th St

BACKGROUND

Zoning.

In 2004, this site was rezoned to the Planned Community District Planned Neighborhood Center (PCD PNC). The rezoning required conformance to a site plan for a neighborhood commercial project consisting of 5 buildings totaling approximately 60,000 square feet. The Development Review Board approved the commercial center in 2004.

The PCD PNC District allows professional offices, services, restaurants, and retail sales to meet the daily needs of the neighborhood. This District also allows sales of alcoholic beverages as an accessory use to restaurants upon approval of a Conditional Use Permit, and when the primary alcohol service area does not exceed 25% of the floor area and no packaged liquor is sold.

Bars are not permitted in the PCD PNC District. Bars are defined as establishments having an alcohol service area in excess of 15% of the floor



area, a kitchen that is less than 15% of the floor area, age verification and cover charge required for admittance, less than 40% of revenue is derived from food sales, and where the business remains open and liquor sales continue but the fill kitchen closes before 9pm.

Context.

This property is located within the Scottsdale Horizons Area, which is generally bounded to the north and east by the Central Arizona Project (CAP) canal, to the south by Sweetwater Road, and to the west by the Pima Freeway. This Scottsdale Horizons area has a mix of single-family and multi-family residential uses, as well as a mix of commercial office and retail uses. Existing single-family homes surround the site to the north and east, and single-family homes are under construction to the west. A 2.6-acre commercial area is located to the south of the site, and a vacant 11-acre commercial property zoned PNC exists at the southeast corner of the Frank Lloyd Wright Boulevard and 100th Street.

APPLICANT'S
PROPOSAL

Goal/Purpose of Request.

The applicant requests to offer alcohol sales in conjunction with the restaurant use at the proposed commercial center. The proposed commercial center, including the proposed restaurant suite, is planned to begin construction later this year. The applicant is concurrently requesting a liquor license application through the State.

Development information.

- *Parcel Size:* 7.79 +/- acres
- *Existing Use:* Vacant with a neighborhood commercial center planned for the site
- *Restaurant Floor Area:* 5,400 +/- sq.ft. of indoor area,
1,150 +/- sq.ft. of outdoor patio area
- *Alcohol Service Area:* 360 +/- sq.ft. (6%)

IMPACT ANALYSIS

Use Permit Criteria.

The purpose of the conditional use permit process is to help ensure the neighborhood character of the commercial center is protected. Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - *The sale of alcohol at the restaurant is not anticipated to create nuisances of noise, smoke, odor, dust, vibration, or illumination. The restaurant proposes an outdoor seating area along the western storefront, which will be buffered from nearby*

residences to the east by the building, landscaping, 101st Street, and walls. The outdoor seating area will also be buffered from nearby residences to the west by a large parking lot, landscaping, and wall. The nearest residence is approximately 260 feet away.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - *The sale of alcohol in conjunction with the restaurant use is not anticipated to increase the traffic or parking demands beyond the expected demands of a restaurant serving no alcohol. Capacity of the adjacent roadway network indicates surrounding streets will operate at acceptable levels of service after the commercial center is constructed. Adequate parking will be provided on site to serve the entire commercial center.*
3. There are no other factors associated with this project that will be materially detrimental to the public.
 - *A specific zoning criterion states that no more than 25% of the total floor area shall be devoted primarily to the consumption of alcoholic beverages. This application proposes an alcohol service area comprising 6% of the floor area, which complies with this requirement.*
 - *A specific zoning criterion also prohibits packaged liquor from being sold. Alcohol sales will be only for consumption at the restaurant.*
 - *There are no significant police, fire, or other service impacts anticipated from the sale of alcohol at the restaurant.*
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - *In addition to the surrounding residences, there is a convenience store that sells packaged liquor and a restaurant that serves alcohol to the south of the site. Neighborhood centers typically have restaurants that serve alcohol.*
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.
 - *No additional conditions are specified in the Zoning Code.*

Community Involvement.

Surrounding property owners have been notified and the site has been posted with a notification sign. The applicant also has been in contact with surrounding homeowners' associations. Phone calls have been received for general inquiries and support for additional dining opportunities in the neighborhood. Three letters have been received in opposition to this request, citing concerns about the potential increase of people drinking and driving in the neighborhood (see Attachment #6).

The applicant has contacted the three neighbors in opposition and has committed to operate a restaurant that will not be detrimental to the neighborhood.

Community Impact.

Neighborhood centers typically have restaurants that serve alcohol, and there are no nuisances or other impacts anticipated. The nearest residence is

approximately 260 feet away.

**STAFF
RECOMMENDATION****Recommended Approach:**

Staff recommends approval, subject to the attached stipulation.


**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services


STAFF CONTACT(S)

Tim Curtis
Project Coordination Manager
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

APPROVED BY



Tim Curtis
Report Author



Kurt Jones, AICP
Director, Current Planning

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulation
6. Citizen Involvement
7. City Notification Map
8. Approved Site Plan
9. Floor Plan

Goldman Management, Inc.

Project Narrative

Project: Zipps Sports Grill
Location: Centennial Marketplace
14148 N. 100th Street
Scottsdale, AZ 85259
Applicant: H. Todd Goldman (Owner, operator)
Existing Zoning: PNC-PCD
Parcel Number: 217-16-(State Land)
Requirement: Serve Liquor

Upon completion of the Centennial Marketplace, Zipps Sports Grill anticipates opening in building C which occupies 5400 square feet. This is highlighted on our sight plan. We are family owned and operated and currently operate three Zipps Sports Grills in Scottsdale, along with our original Goldie's Sports Café in Scottsdale Ranch. Our concept is built around quality food, which we believe builds loyalty with our neighbors. We expect this location to perform much like our other concepts, which consistently generate half of their sales from food.

We make a substantial investment into our spaces to attain a certain look and feel that provides our customers with a comfortable area to gather. Our menu and our pricing provide a great value in a very comfortable setting, which families find to be very accommodating. We are certain, based on our other locations, that the Zipps concept will be a welcomed addition to this neighborhood center. Zipps is positioned to cater to the immediate neighborhood, providing them a quality, casual place to gather, eat and drink. We also propose to build an outdoor patio area, which will provide the neighborhood a nice place to dine outside during the mild season. All of our establishments have outdoor patios and provide a welcomed feature in all of the communities surrounding them.

Zipps will generate some additional traffic; however the peak time of our usage is the dinner hours when the other retailers are either closed or closing. Our restaurants are designed to appeal to the immediate neighborhood and we will typically pull from a two mile radius. We offer a full menu during the entire business day with the kitchen remaining open until 1am. We also offer a "Children's Menu" to cater to the family business which is a substantial segment of our customer base. We provide a full service bar, which includes beer, wine and liquor, and like our other locations we will always maintain the following characteristics:

1. Kitchen space and equipment are very substantial occupying over 30% of our entire space.
2. Although we card individuals who wish to drink, we do not card at the door.
3. There is never a cover charge at our restaurants and never any live entertainment.
4. Our kitchens are open until an hour before the restaurant closes.
5. Our sales mix will be 50% food and 50% alcohol.

ATTACHMENT #1

6. Our bar space, per Scottsdale criteria, accounts for less than 6% of total space and food is served in this area.

The requested use does not place any undue burden on the proposed parking; in fact the parking was designed around restaurant criteria. In addition it does not pose any threat to the neighborhood, general public or surrounding businesses in the area. Overall, we feel the requested use is of very low impact and compliments the site development by providing a casual dining establishment that focuses on the food as the primary product.

We respectfully request that the Planning Commission recommend, and the City council find the following:

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare based on the following factors:

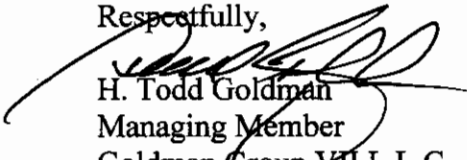
No damage or nuisance arising from noise, smoke, odor, vibration or illumination will be caused. The nearest residence is outside of a 600 foot radius.

No impact on surrounding areas resulting from an unusual volume or character of traffic is created. The consumption of alcohol will primarily take place during the evening and will be of no significant impact due to the day/night use characteristics of the proposed center.

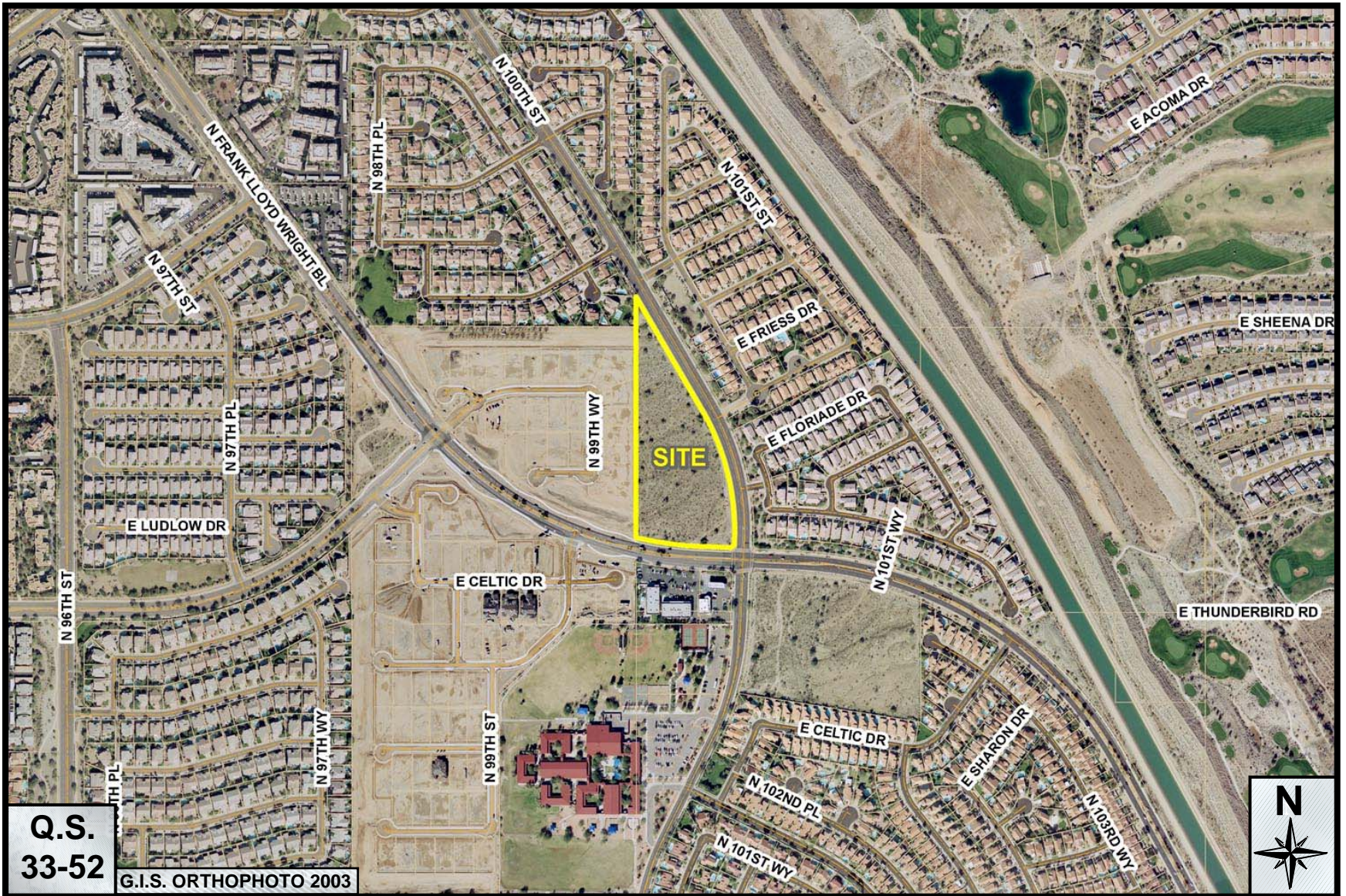
2. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding area. The proposed use is not extraordinary to the Shopping Center or the neighborhood, and it blends well with the existing businesses in the neighborhood.

It is our hopes that this narrative along with our long time record of operating within the city and state guidelines and being a positive force in the community will give you the confidence necessary to recommend our requested uses.

Respectfully,



H. Todd Goldman
Managing Member
Goldman Group VII L.L.C.



Centennial Marketplace

4-UP-2005

ATTACHMENT #2



**Q.S.
33-52**

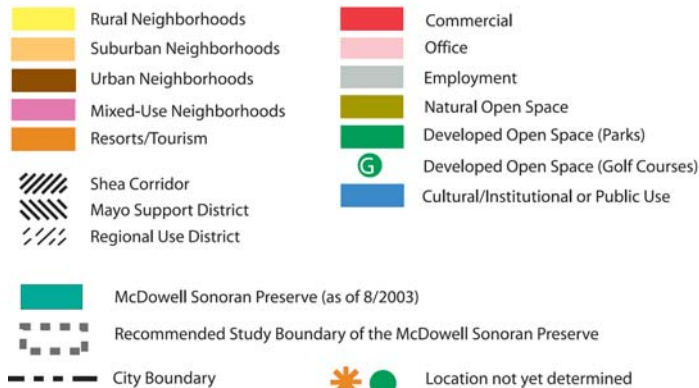
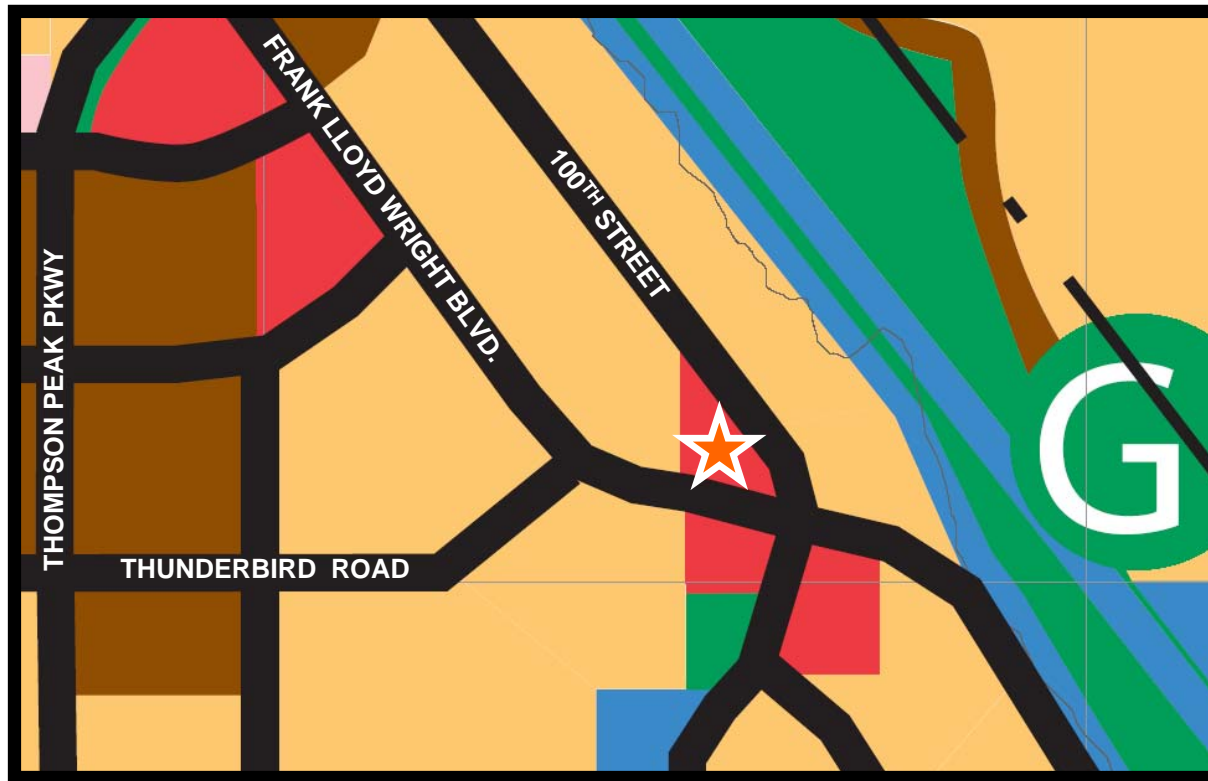
G.I.S. ORTHOPHOTO 2003

Centennial Marketplace

4-UP-2005

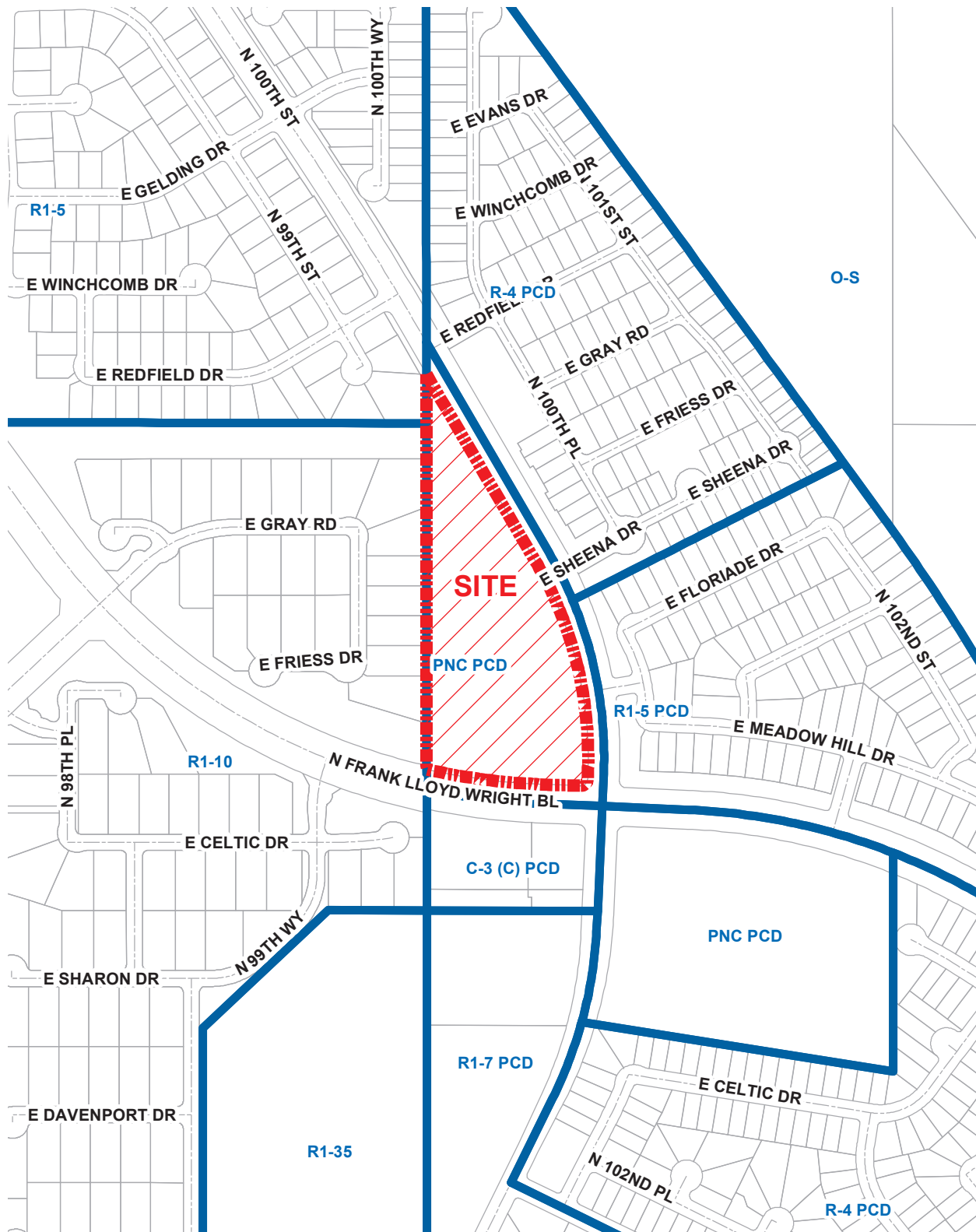
ATTACHMENT #2A

General Plan (Existing)



4-UP-2005
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004



4-UP-2005

ATTACHMENT #4

STIPULATION FOR CASE 4-UP-2005

PLANNING/ DEVELOPMENT

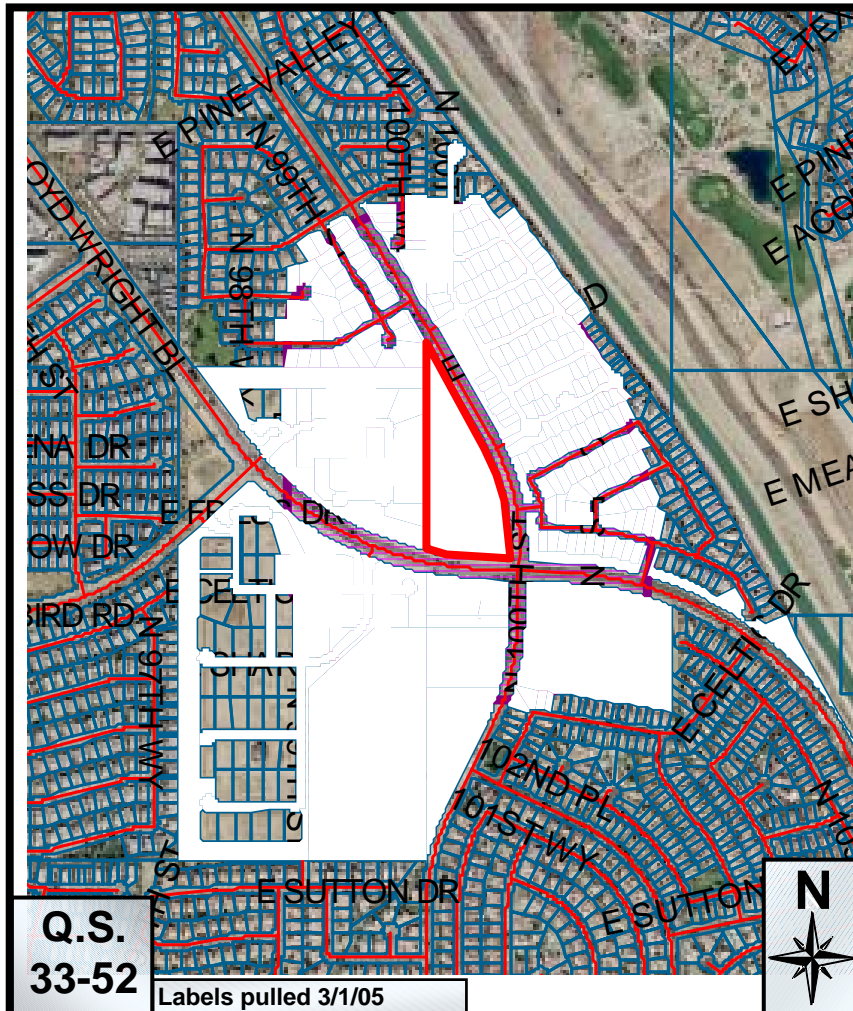
1. CONFORMANCE TO DEVELOPMENT SUBMITTAL. The restaurant location shall be at the southern end of Building C, as shown on the site plan prepared by Butler Design Group, with a submittal date of March 1, 2005. The restaurant shall conform with the floor plan submitted by City Spaces dated February 8, 2005. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.

Zipps @ Centennial Marketplace 4-UP-2005

Attachment #6. Citizen Involvement

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

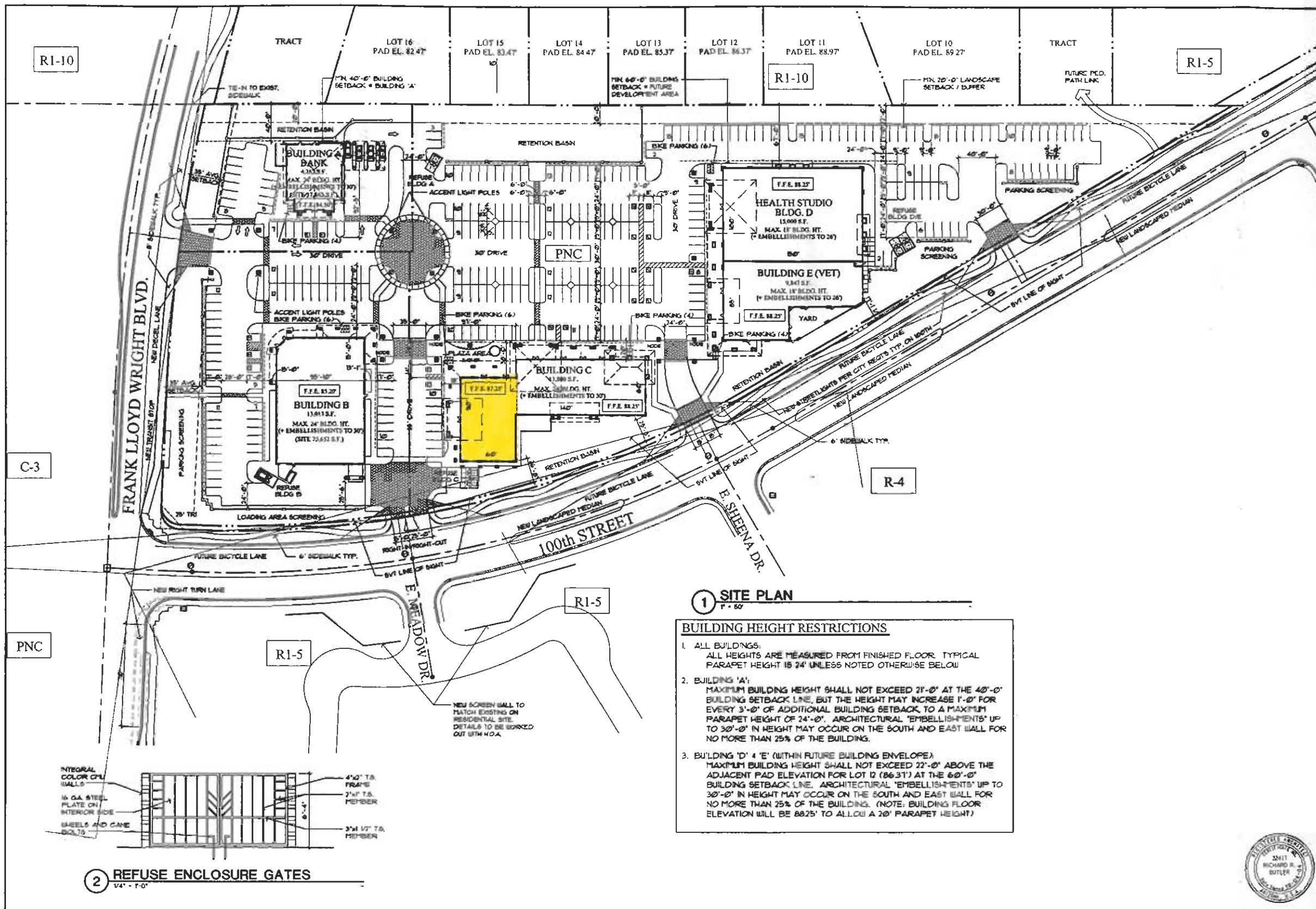
Additional Notifications:

- Interested Parties
- Aviara Homeowners Association
- Costa Verde
- McDowell Mountain Ranch

Zipps @ Centennial Marketplace

4-UP-2005

ATTACHMENT #7



SITE DATA

NET SITE AREA: 332,633 S.F. (7.64 ACRES)

TOTAL BUILDING AREA: 55,922 S.F.

% COVERAGE: 0.17 %

PARKING PROVIDED: 332 SPACES

PARKING RATIO: 5.94 PER 1000

BUILDING CALCULATION

BLDG. 'A' - BANK ONE	4,262 S.F.
BLDG. 'B' - RETAIL	13,013 S.F.
BLDG. 'C' - RETAIL	0 S.F.
BLDG. 'D' - RESTAURANT (PUBLIC AREA)	13,800 S.F.
BLDG. 'E' - VETERINARIAN (DOES NOT INCLUDE PATIO AREAS)	8,970 S.F. (AT 65%)
BLDG. 'F' - HEALTH CLUB	9,847 S.F.
BLDG. 'G' - HEALTH CLUB	15,000 S.F.

PARKING CALCULATION

BANK	4,262 PER 250	= 17 SPACES
RETAIL	13,013 PER 200	= 65 SPACES
RESTAURANT (INDOOR PUBLIC AREA)	8,970 PER 80	= 112 SPACES
(PATIO AREA)	3,421 PER 2.0	= 14 SPACES
VETERINARIAN	8,847 PER 300	= 33 SPACES
HEALTH CLUB	15,000 PER 200	= 75 SPACES

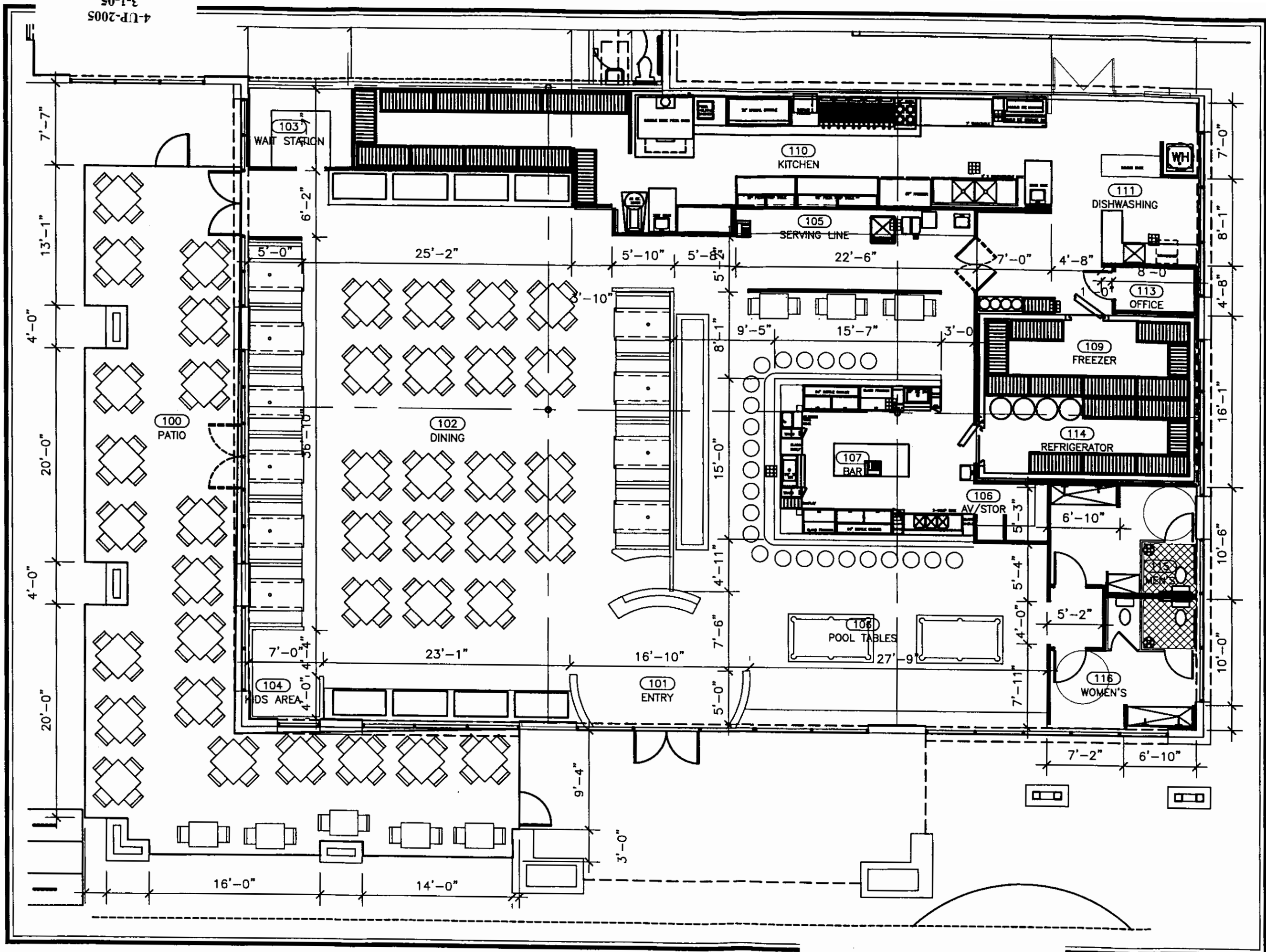
TOTAL REQUIRED PARKING: 303 SPACES

BICYCLE PARKING REQUIRED (PER C.O.S. DETAIL 2285): 1 PER 10 = 30 SPACES

VICINITY MAP

THIS SITE

DATE: 10/03/04 JOB NUMBER: 50026 02404-0734



4-UP-2005
3-1-05

ATTACHMENT #9

Zip's
Scottsdale, Arizona

Use Permit
02-08-05

AZ-743

CITY SPACES

COMMERCIAL ARCHITECTURE
TENANT IMPROVEMENTS

3110 North 16th Street
Phoenix, Arizona 85016

602-266-7777 Phone
602-266-1688 Fax

www.cityspaces.net

FLOOR AREA EXHIBIT

GROSS FLOOR AREA TOTAL	5,400 S.F.
BAR SERVICE AREA	354 S.F. (6.5%)
KITCHEN SERVICE AREA	838 S.F. (15.5%)
PATIO AREA	1,157 S.F.
DINING, ENTRY, CIRCULATION	2,736 S.F.
R.R., STORAGE, UTILITY	1,472 S.F.